

HEALTH & HUMAN SERVICES COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **September 22, 2005**.

Members Present:

Legislator Daniel Losquadro • Acting Chair

Legislator John Kennedy

Legislator Brian Foley

Legislator Ricardo Montano

Legislator Peter O'Leary

Members Not Present:

Legislator Paul Tonna • Chairman/Excused

Legislator Allan Binder • Vice•Chair/Excused

Also in Attendance:

Mea Knapp • Counsel to the Legislature

Ron Cohen • Aide to Legislator Tonna

Ilona Julius • Deputy Clerk/Suffolk County Legislature

Jim Spero • Director/Budget Review Office

John Ortiz • Senior Budget Analyst/Budget Review Office

Linda Bay • Aide to Presiding Officer Caracappa

Dan Hickey • Aide to Presiding Officer Caracappa

Frank Tassone • Aide to Majority Leader

Kevin LaValle • Aide to Legislator Losquadro

Paul Perillie • Aide to Minority Caucus

Kara Hahn • aide to Legislator Vloria•Fisher

Alice White • Intern to Legislator Vloria•Fisher

Bob Martinez • Aide to Legislator Montano

Ben Zwirn • Assistant County Executive
Todd Stebbins • County Executive's Office
Jacqueline Caputi • County Attorney's Office
Janet DeMarzo • Commissioner/Department of Social Services
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services
Dr. Brian Harper • Commissioner/Department of Health Services
Dr. David Graham • Chief Deputy Commissioner/Dept of Health services
Len Marchese • Director of Management/Department of Health Services
Fred Weimann • Chief Operating Officer/Suffolk Health Plan•DHS
Marilyn Shellabarger • Chair/Health Center Liaison Committee
Terrence Smith • Administrator/Dolan Family Health Center
Steven Moll • Island Public Affairs
Anita Fleishman • SC Coalition of Mental Health Service Providers
Colette Coyne • Colette Coyne Melanoma Awareness Campaign
Gary Rogers • Suffolk County SPCA
Lydia Sabosto • 1st Vice•President/AME
Sondra Palmer•Randall • Secretary/AME
Steve Bertolino • Nominee/Swimming Pool Safety Task Force
Susan Katz • Nominee/Swimming Pool Safety Task Force
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 12:02 P.M.*)

ACTING CHAIR LOSQUADRO:

Good afternoon. I would like to call the Health & Human Services Committee to order. Do we have enough members present for a quorum?

Four. I would ask any additional Legislators to report to the horseshoe. We will begin this meeting with a salute to the flag led by Legislator Foley.

Salutation

Thank you. I apologize for getting started a bit late, we'll try to move things along as expeditiously as possible. I see we have a public hearing, **No. 1992•05 • Adopting Local Law No. 2005, a Local Law to protect the health of Suffolk residents by requiring consumers to sign a release form in order to purchase certain chemical pesticides (Schneiderman)**. Madam Clerk, is all the publications in order?

MS. JULIUS:

Yes, Mr. Chairman, they were duly filed and are in proper order.

ACTING CHAIR LOSQUADRO:

Thank you. I do not see any cards on the public hearing. Madam Clerk, are there any?

MS. JULIUS:

No, I don't have any cards.

ACTING CHAIR LOSQUADRO:

Is there anyone wishing to be heard on the Public Hearing for IR 1992?

Was there someone ••

MR. COHEN:

No.

ACTING CHAIR LOSQUADRO:

No? Seeing none, do I have a motion on this hearing?

LEG. KENNEDY:

Motion to close the hearing.

ACTING CHAIR LOSQUADRO:

Motion to close by Legislator Kennedy, seconded by Legislator O'Leary. All those in favor? Opposed? The public hearing is closed.

Before •• well, we still have enough time, okay. We do have a number of cards, we'll go to the public portion. The first card is Colette Coyne; I apologize if I mispronounce that.

MS. COYNE:

Good morning. Again, I'm ••

ACTING CHAIR LOSQUADRO:

Just state your name for the record in case I did mispronounce it.

MS. COYNE:

Colette Coyne of the Colette Coyne Melanoma Awareness Campaign, and again I'm here to request the body to please move this bill out of committee. It is so important.

We know that Melanoma has increased, particularly since the 70's when tanning parlors came into effect. We have been looking for passage since February and I know concessions have been made. Quite honestly, I would love the bill to be a lot stronger than it is, but it's a beginning and it will help to educate. When people see there's a bill passed to regulate tanning parlors, perhaps they will take a look and see why, why is there a need for regulation.

I'm not going to give you facts and figures, I'm just going to ask you to do the right thing to help the young people in our County. I receive e•mails from 25, 30, 40 year olds on a regular basis looking for support because they have been diagnosed with Melanoma, some of them young mothers with young children. And invariably •• I never used to do, but now I always, when I answer them, ask them did they ever use a tanning parlor, and quite honestly the answer is yes. So please do something about regulating our tanning parlors as Nassau County has done and that I hope will eventually happen in our state. If there's any question, if I can answer it, I'll be happy to. Is there anyone here that feels that this is not an important bill?

ACTING CHAIR LOSQUADRO:

No, this item, as you said, has been before us for some time. And I thank you for your commitment to this and coming before us again today, so we appreciate it.

MS. COYNE:

I'm doing it because I know it will save lives. Thank you.

LEG. FOLEY:

Mr. Chairman?

ACTING CHAIR LOSQUADRO:

Legislator Foley.

LEG. FOLEY:

Yeah, please don't mistake our silence for not strongly supporting the bill, Many of us do strongly support the initiative put forward, particularly by Legislator Vilorio•Fisher and. You rightly point out the fact that of all the cancers, skin cancer in particular is one of the fastest growing and it's something that we need to tackle, not just from a treatment point of view but also preventive which is an educational tool that can be utilized by your local governments in concert with the Health Departments and other educational institutions. So I join you in hoping that we can get this approved out of committee and I just want to thank you for being here committee meeting after committee meeting, because that kind of tenacity and persistence usually wins the day and hopefully it will be sooner than later. But Again, we want to thank you. It's an example of trying to turn a family tragedy into substantive public policy so that something that has hit many of our families will be something that will hopefully at some point we'll see a downward trend as opposed to an upward trend. Thank you.

MS. COYNE:

When you watch a young woman die in five and a half months, you know you have to do something about a disease that is such a killer.

LEG. FOLEY:

Thank you.

ACTING CHAIR LOSQUADRO:

Thank you. Next speaker, Gary Rogos?

MR. COHEN:

Rogers.

ACTING CHAIR LOSQUADRO:

Rogers?

MR. ROGERS:

Yeah, that's close enough.

ACTING CHAIR LOSQUADRO:

I apologize, it looked like Rogos to me.

MR. ROGERS:

Yeah, well, I probably scribbled.

ACTING CHAIR LOSQUADRO:

I guess those Spanish classes paid off.

MR. ROGERS:

How you doing? My name is Gary Rogers, I'm with the Suffolk County SPCA. I'm here today asking you to take a hard look at 1497; 1497 requires boarding kennels to make sure that animals that come in are up•to•date on their shots.

One of the serious issues we have in this country, and also in New York State and now on Long Island, is rabies. Rabies is a disease that once you get rabies you •• once you get rabies you do not survive, there is no way, there's no shot, there's only preventive ways of doing it and it's inoculating animals. If we don't •• if you don't pass this bill and an animal has rabies, it goes into •• it goes into a kennel, it gives it to another dog or another cat, it goes home, it spreads to a small, young child because they're playing with their pet and they die of rabies; you know, we didn't do anything. In this County you're supposed to have a rabies shot for every animal, but we don't require •• we don't do census for dog licensing so you have a health issue.

The other thing you have is distemper and this is a thing, a disease that's spread to animals. I know that a lot of you have pets, some of you don't, but pets are like family members, you don't want to see them go through •• die a death through distemper, you don't want to see them have parvo. It's very easy, these animals should be inoculated, we provide free rabies clinics and give other low cost shots so that people can get them in the County, it's really not putting an expense on them. And if they have a pet, they should be aware of public safety. Any questions?

ACTING CHAIR LOSQUADRO:

Thank you. No, thank you very much.

MR. ROGERS:

Okay.

ACTING CHAIR LOSQUADRO:

Next speaker, Marilyn Shellabarger. You can have a seat at the table if you'd like, Ma'am, if you can't pull the microphone down.

MS. SHELLABARGER:

No, I'm not going to speak that long. This is just our preliminary. I'm Marilyn Shellabarger from the Health Center Liaison Committee and of course I've come to start our opening shot for the budget, as we refer to it as the budget fight because this has been an annual event that all of our advisory board members contribute to.

Things don't look good. I mean, I can't say one year in the last 25 years that I have said that things look good. However, we have to think and remember how the demand is up. We have such quality health centers that people are amazed. I've been getting •• for some reason, all of a sudden I've been getting feedback from people that I meet around the County that I didn't even know about them until I needed it, you know, that kind of thing, they believe they're lost insurance or whatever, but they're amazed when they get in there. And I think we have to be aware that this constant chipping away and with the 4% wage increases that most of the hospitals have had to give, this means that any •• even the slight budget cuts some of them got and the larger ones some of the other health centers got means that we're going to have to cut something. And we cannot cut quality, we cannot cut the services to the people that we do serve, it's something that Suffolk County has to be proud of. There hasn't been a County Executive that has exited the office that hasn't praised the health centers as one of the best things that happened in Suffolk County.

So I just want you to know that we will be at you to help restore some of the reductions in the budget for all the health centers. And am I right that there is a public hearing on Tuesday in Riverhead at 2:30?

Can someone out in the ••

MS. KNAPP:

Yes.

ACTING CHAIR LOSQUADRO:

Yes.

MS. SHELLABARGER:

Okay. All righty, because it was a little short notice to get everybody here. I know that you've already had one public hearing but •• okay. And then at the end of the •• is there another one after the Budget Review Office Review comes out? Is there another chance to speak; that's one of the questions I had to ask.

ACTING CHAIR LOSQUADRO:

There will be committees; Counsel?

MS. KNAPP:

I believe it's three dates in which there will be Operating Budget Committees, at which time there will be an opportunity for the public to address each individual committee fairly specifically.

LEG. FOLEY:

Mr. Chairman?

MS. SHELLABARGER:

Okay. All righty, thank you.

LEG. FOLEY:

Just through the Chair, we did receive •• and the Clerk should have it, I hope, at the table •• could we get it before the end of the committee meeting?

MS. JULIUS:

The 24th, 25th and 26th.

LEG. FOLEY:

Understood. But pertinent to the question raised by Ms. Shellabarger for this committee, if you could have someone across the hall just bring that in and, through the Chair, before the committee meeting ends, that way the advocates will know specifically what date and time will be the committee hearing for the Operating Budget of the Health Department.

MS. SHELLABARGER:

Yeah, our members do range from ••

ACTING CHAIR LOSQUADRO:

Yeah, we will get you that information.

MS. SHELLABARGER:

Huntington to Montauk, so to get everybody together in one place is always difficult.

LEG. FOLEY:

Maybe one day we'll get someone from Fisher's Island to actually show up.

MS. SHELLABARGER:

Pardon me?

LEG. FOLEY:

I said maybe one day we'll get someone from Fisher's Island to come to a committee.

MS. SHELLABARGER:

Oh, okay. That would •• you pay the airfare I guess. Well anyhow, thank you very much.

ACTING CHAIR LOSQUADRO:

Thank you very much.

MS. SHELLABARGER:

And expect to hear from us early and often as I say.

ACTING CHAIR LOSQUADRO:

Of course. Next speaker, Terry Smith.

MR. SMITH:

Good afternoon. I'm Terry Smith, I'm the administrator of one of the contract agencies that runs a health center. We have a contract with the Department of Health, I am the administrator of the Dolan Family Health Center and we're just about ready to be ten years old. We have almost doubled in size in ten years. There was tremendous need in Huntington and the Health Department and this group had the forethought to identify that need and through a partnership with the Health Department, the people of Huntington and Huntington Hospital, we have built a health center. We're going to operate about •• provide about 29,000 visits this year.

It's been a tough struggle to see our volume increase but see budgets proposed by the County Executive that don't meet the cost of caring for the increases in volume. Last year we provided close to 28,000 visits, this was a record for us and the County Executive's budget last year was about \$400,000 short in helping us take care of that volume. This body here passed an Omnibus resolution which allowed us to position ourself for even more growth, we'll probably do 29,000 visits this year. Our growth is largely in uninsured adults who have chronic illnesses, it's a difficult population to take care of and I think we do it very well in cooperation with the Health Department.

So I'd like to thank you for supporting us in the past. I'd just like to let you know that the budget proposed by the County Executive is approximately \$600,000 less than what we need to care for this population. This year, as of the end of August, we are 1,700 visits busier than we had projected our growth to be. So we have some real costs in energy costs, malpractice insurance, benefits which are contractual to address for next year. I doubt that we're different than any other health center that has a contract with the Health Department. So again, I just thank you for your support and your good works and bringing a certain humanity to this budget process which helps us respond to increasing demand. Thank you very much.

ACTING CHAIR LOSQUADRO:

Thank you. Next speaker, Anita Fleishmann.

MS. FLEISHMAN:

Good afternoon. I'm Anita Fleishman, I'm the Executive Director of the Pederson•Krag Center but I'm here representing the Suffolk Coalition of Mental Health Service Providers.

Actually, I'm not here to ask for '06 money yet, I'm here to ask for '05 money. Our basic problem that continues is the signing of our contract in a timely fashion, and obviously following that the receipt of revenues. Currently there are about four or five agencies that have not received signed contracts, therefore any of the money that's due on them •• and this is, as you know, September 22nd and this should have been •• some of the agencies don't even get first quarter advances. For some of the larger agencies it's not a major issue because they're large enough to cover while we're waiting to sign contracts. However, for the smaller agencies it can be disastrous as they have cash flow problems, they don't have extended lines of credit which, of course, is not reimbursable by County. Some of these contracts are direct contracts with Suffolk County, some of them are State contracts which are run through the County. So I have been asked to come and besiege you to please look into or have someone look into why there is such a tremendous lag in delay in getting these contracts to our agencies signed and, therefore, money coming in on them. Thank you.

ACTING CHAIR LOSQUADRO:

Thank you. Just hold on one second. Legislator Kennedy?

LEG. KENNEDY:

Yes. Thank you for coming out to go ahead and speak to us on this, and I would just share a couple of thoughts I guess with you. I think several of us that sit here •• well, I don't want to speak for all my colleagues, but I'll say I have some of the same frustrations I guess that you're presenting. But more importantly, I would like to just get on the record, the organizations that you're talking about and the contracts, give me specifically what we're talking about as far as time goes. We're here and it's September 22nd, when did these agencies first receive the contracts or start the process, on average, an estimate?

MS. FLEISHMAN:

January.

LEG. KENNEDY:

January.

MS. FLEISHMAN:

January.

LEG. KENNEDY:

So we're talking about at this point now probably almost ten full months ••

MS. FLEISHMAN:

Yes.

LEG. KENNEDY:

•• that have gone on with the mechanics associated with agencies realizing the funding that we did approve for the '06 budget; is that correct?

MS. FLEISHMAN:

That's correct. And the frustrating •• part of the frustration is that we certainly don't wait to just come here and speak occasionally, we're on the phone all the time, we're calling and we get answers such as, "It was signed, it's in the mail," and clearly it's not. And clearly some ••

LEG. KENNEDY:

Mr. Chair, can I direct a question to BRO ••

ACTING CHAIR LOSQUADRO:

Yes.

LEG. KENNEDY:

•• that's relevant to this? Back in my former life, when we used to need to transact business within the County itself, there used to be some type of a deadline that was imposed through Purchasing and other agencies, an October 1 deadline for the processing of vouchers and things such as that, also contracts; is that something that's still in effect.

MR. ORTIZ:

That's more for the purchase of equipment and anything that has to go through the Purchasing

Department. With the contract agencies we can amend the budget three times a year, so we have the phase I, phase II, phase III resolutions. The earlier an agency gets the ball rolling with the paperwork, because it has to go through the Department of Health, then it goes to the County Attorney, it goes to the Law Department or Audit and Control and then it goes to the County Executive to sign off; it's a several month process and if it's not started earlier enough, a lot of agencies don't get their funding.

MS. FLEISHMAN:

Excuse me. I would be pleased to supply you with dates as to when agencies started. As I said, particularly the smaller agencies, I can't speak for the larger ones such as PK, I mean, we have money so we're not going to panic as much as a smaller agency will. Their payroll depends upon it, these are not just fiscal issues, these are programmatic issues. They also •• it has a ripple effect on changes that might be made during the second and third changes in the contract. So it has a tremendous impact on the functioning of the agency during the entire year. I would assume that most of these agencies, I can't tell you exactly, start this process very early because they know, by history, what's going to happen.

LEG. KENNEDY:

I am not the chair of the committee. I mean, I would certainly have an interest, though, if there are particular agencies that are still, you know, experiencing ••

MS. FLEISHMAN:

There are four, to my knowledge.

LEG. KENNEDY:

You have four agencies in particular?

MS. FLEISHMAN:

Yes.

LEG. KENNEDY:

I think it would be of interest to the committee to know who those agencies are.

MS. FLEISHMAN:

Now?

ACTING CHAIR LOSQUADRO:

Legislator O'Leary. And I know I'm acting chair today, but I'm sure Mr. Cohen is paying close attention to this and will be passing it along to the chair of the committee as well. Legislator O'Leary.

LEG. O'LEARY:

This is not something that's just limited to PK.

MS. FLEISHMAN:

Oh, absolutely not.

LEG. O'LEARY:

This has been a problem for quite some time where the contract agencies have submitted the necessary paperwork, if you will, and applications to advance the fiscal initiatives that were in the budget.

MS. FLEISHMAN:

Correct.

LEG. O'LEARY:

And from my understanding, it goes through the process and what I've looked into is it stops across the street up on the 12th floor for some reason, and that's something that has been of a major concern to us, we've expressed this time and time again to the representative who is here representing the County Executive's Office. And one of the problems that I've experienced with respect to these contract agencies when, in fact, there's a sign-off, if you will. The final sign-off which is the County Executive and/or his representative, is that then they limit the time that the money has to be expended to that fiscal year.

MS. FLEISHMAN:

Yes.

LEG. O'LEARY:

I mean, so here's monies that have been appropriated, authorized for the entire fiscal year of '05, for example, and even if they expedite this process, and it's unlikely at this point I think they would even do that, but even if they do that, then you're obligated to expend those particular monies before the end of the year, the fiscal year is out. So it's a major problem ••

MS. FLEISHMAN:

Yes.

LEG. O'LEARY:

•• and it's something that we're keenly aware of. But I hope you understand it's not our doing, we have done our part. The focus here should be where it's stopping and it's stopping right at the County Executive's level, there's no movement on their part nor has there been, nor any intention on their part to move forward with these initiatives, and that is a problem.

MS. FLEISHMAN:

Yes.

LEG. KENNEDY:

Mr. Chair, if I can just go ahead and share one other thought with you. I had occasion on Friday to be at a Suffolk County Bar Association CLE and I had occasion to go ahead and hear the County Executive speak at lunch time and to talk about the great importance of not•for •profit agencies and the key roll that they play for partnering with us here in the County in the delivery of a variety of different services, be it health, mental health, arts, youth, a whole number of different venues. And here I am now five days later faced with yet again something that I've heard for ten months. It is a dichotomy at best, it is dysfunctional at worst. And I guess the next thing that I'd say to you, since I like to deal in concretes, is what are four small agencies who have been waiting ten months to go ahead and receive the funding to pay rent, utilities, payroll, supplies, how are they surviving; are they borrowing the money? How do they stay afloat?

MS. FLEISHMAN:

That's exactly what happens, they have to borrow the money. The interest on the loan is not reimbursable which sends the agency further into debt in the following year.

LEG. KENNEDY:

So they face an ever ••

MS. FLEISHMAN:

Yes.

LEG. KENNEDY:

•• increasing, bleak fiscal picture because we •• not we, I'm sorry •• the administration refuses to disperse the funding we authorized.

MS. FLEISHMAN:

Correct.

MR. COHEN:

Could you name the other three agencies, please?

MS. FLEISHMAN:

Yes. Well, PK is one, we have three outstanding contracts that come to close to \$80,000 that's due us. But again, I really want to say •• the other three are Stony Brook •• Sayville project, Stony Brook University runs the Sayville Project, Maryhaven and Adelante, and Halle I believe.

LEG. MONTANO:

Wait, wait; which?

MS. FLEISHMAN:

Halle, that's a State contract that's run through the County.

LEG. MONTANO:

All right. But you just mentioned Adelante, are you saying that Adelante is one of the agencies that didn't receive their funding?

MS. FLEISHMAN:

No, that didn't ••

LEG. MONTANO:

Or they didn't get their contract signed?

MS. FLEISHMAN:

And it's not •• you know, many agencies have multiple contracts.

LEG. MONTANO:

Yes, I know that.

MS. FLEISHMAN:

So Some are directed to the County, some are through •• some are State through the County, so there's combinations here. I don't have •• except for PK, the contract number. But again, this is what I was informed by the coalition, that these are outstanding contracts that have not been signed and, therefore, no money has come in on them as of September 22nd. I can get you more concrete information if you'd like.

LEG. MONTANO:

Would you, please?

MS. FLEISHMAN:

Yes.

ACTING CHAIR LOSQUADRO:

Anyone else before Mr. Zwirn would like to speak? Mr. Zwirn.

MR. ZWIRN:

Yes, hi. I'm the County Executive's representative here before the committees and I'd like to get the names. We have really made an effort, I think, to try to expedite the contracts and there are thousands of contracts that are processed, and I don't know if they're stuck on the 12th floor in the County Executive's Office or in the County Attorney's Office because something wasn't filled out properly, I don't know the answer to that question. I know we did have a meeting, Linda Bay helped chair it, with the County Attorney to work with the contract agencies I think on a couple of occasions this year.

MS. BAY:

But that's for member items, this is not member items.

MR. ZWIRN:

Right. But I'm just saying, thousands of these contracts have come through and I think the County Executive has tried to reach out and tried to resolve most of these. There's no incentive not to try to help not•for•profits doing the County's work and helping those people who live in the County. So there's no •• I mean, the money has been budgeted, so there's got to be something, there's a reason that they're log jammed. Because most of them, and we're talking about four here and thousands have gone through. So if you can just speak with me for a little while, I'll see and I'll report back to the Legislature as to the resolution and what the problems were up to this point.

MS. FLEISHMAN:

I don't mean to infer that the County Executive isn't sympathetic to this at all. What I'm saying is there seems to be a problem someplace and the major problem is we don't know where the problem is, so.

LEG. O'LEARY:

I think We do; I know where the problem is.

MR. ZWIRN:

Well, Legislator O'Leary knows where the problem is.

LEG. O'LEARY:

I know where the problem is.

MR. ZWIRN:

He thinks he knows where the problem is.

ACTING CHAIR LOSQUADRO:

I would just like to offer, for the record, that just last night another organization, that one was the individual Legislator's discretionary funding, informed me one of their contracts had not

been processed. So this is not isolated to four out of the many thousands as was the way it was put forward, I think this problem is a bit more widespread and perhaps Legislator O'Leary can help us get to the bottom of it.

LEG. O'LEARY:

I'm trying.

ACTING CHAIR LOSQUADRO:

Thank you, Ben. And thank you very much.

MR. ZWIRN:

Thanks.

MS. FLEISHMAN:

Thank you.

ACTING CHAIR LOSQUADRO:

Okay. There are no further cards. Anyone else wishing to be heard? If not, we'll close the public portion. We do have a discussion but in the interest of time, I know we got started sort of late, I do •• there are two individuals here who have taken time out of their day to take part in a volunteer effort on the Swimming Pool Safety Task Force, and if the committee would indulge me, I would like to take those two out of order ••

LEG. O'LEARY:

Motion.

ACTING CHAIR LOSQUADRO:

•• and have them come forward. So there's a motion to take 1961 and 1962 out of order by myself, second by Legislator O'Leary. All those in favor? Opposed? 1961 and 1962 are before us.

1961•05 • Appointing member to the Swimming Pool Safety Task Force (Steven Bertolino, Slot#10) (Losquadro). Thank you for coming down today, and If you would just tell us a bit about yourself. Obviously everyone has been provided with your resume, you're someone who is obviously eminently qualified to serve in this capacity. So just tell us a little bit

about yourself and why you would like to serve on this task force.

MR. BERTOLINO:

Thank you, Mr. Losquadro, members of the subcommittee. My name is Steve Bertolino, I am the President and owner of South Shore Pools.

I have been building pools for 24 years, I started when I was a kid.

I have a multi-million dollar company, I employ close to 20 people. I'm also an attorney, I've been practicing law for nine years, I graduated from Hofstra in '94. A large part of my clientele is the pool industry. I'm member of LIPSA which is the Long Island Chapter of the Pool & Spa Association, I'm also a member of NSPA which is the Northeast Spa & Pool Association.

I give many speeches to the industry on contracts and how to protect ourselves and how to deal with homeowners and customers and the public in general, and we as a recreational industry compete with dollars consumers have to spend on such products, whether it be RV vehicles and whatnot and we have some concerns when it comes to how we can sell our products and how we can get to consumers. One of the issues that we all face in our industry is safety and when that comes to children being lost and Newsday saying that there are five, six or seven lives lost this year, that hurts us and we're very concerned about that as an industry and whole.

Personally, my feeling was when I represented to the board of my interest in serving on this subcommittee, would be that being many of the members •• and even today, I had another phone call from another pool company, a new client in the legal capacity •• I am constantly asked, "What are my rights? What am I doing," whether it be contractual or otherwise or licensing requirements. And I'm in an acute position to know what the industry is doing because of my contacts and because of my membership of the Board of Directors of LIPSA. I said to the LIPSA Board, I would love to come in front of this subcommittee and present our point of view and act as a liaison going back and forth, pretty much telling the subcommittee where we come from, how we view things, how we can help make pools safer, how we can protect or save lives. And at the same time, speaking with a potential colleague of mine just a moment ago, I understand that the public in general and maybe members of the other board, members of the same board will have some concerns that are going to conflict with the interest of the pool industry. And because of my experience and knowledge and going back and forth with members of the pool industry and members of the board of the Long Island Chapter, I feel I do

have the wherewithal to present everything in a complete fashion to both sides, whether I leave here and present it tonight at our general meeting and at our board meeting for LIPSA or whether I leave that meeting and come back to you in a month and a half or subcommittee in a month and a half and tell you, "This is where we're looking and this is where we're coming from."

That being said, I would respectfully request that you accept my nomination to this panel. If you have any questions of me, I'd be more than happy to take any.

ACTING CHAIR LOSQUADRO:

Hearing none. Very well said, thank you, And that is the reason why I would like to see Mr. Bartolino on the board. You're obviously someone who does represent the interest of the pool owners, Pool & Spa Association, and I think it's very important to have that voice as part of this process so that we can have that overall buy•in and a consensus as to what mechanisms can be put in place. I think, as you said, everyone's interest is the safety and well•being of our citizenry.

So I thank you for wanting to serve in this capacity. I'll make a motion to approve.

LEG. O'LEARY:

Second.

ACTING CHAIR LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed?

1961 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder). Thank you, Mr. Bertolino, I look forward to working with you.

1962•05 • Appointing a member to the Swimming Pool Safety Task Force (Susan Katz, Slot#11) (Losquadro). I would just like to say that if you take a look at Ms. Katz' resume, this is quite possibly one of the most over qualified individuals that we'll have before us. So Ms. Katz, please give us the condensed version of your qualifications and, again, why you would like to serve in this capacity.

MS. KATZ:

I'm a woman of few words, so basically I'm a Pediatric Nurse Practitioner at Stony Brook and I coordinate the Suffolk County Chapter or the Suffolk County part of a worldwide organization

called Safe Kids. The Safe Kids goal is to minimize and prevent morbidity and mortality to primarily children under the age of 14. So although you're thinking along the lines of fatality, I'm also thinking along the lines of near drownings and those children that survive or, quote/unquote, survive. So I'd really appreciate the opportunity to bring my expertise to this committee.

ACTING CHAIR LOSQUADRO:

Thank you, and brevity is always appreciated. Are there comments, questions for Ms. Katz? Hearing none, I make a motion to approve.

LEG. FOLEY:

Second.

LEG. MONTANO:

Second.

ACTING CHAIR LOSQUADRO:

Seconded by Legislator Montano.

LEG. MONTANO:

Well, Foley was first.

ACTING CHAIR LOSQUADRO:

I think Foley was first so we'll make it Legislator Foley.

All those in favor? Opposed? **1962 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).** Thank you and congratulations to both of you. Again, I appreciate your willingness to serve in this capacity.

Okay, back to the top of the agenda. I believe we had a discussion. Is it Alane? Alane Fagin and Dr. Tony Hollander, or was that second?

MR. COHEN:

He's not coming.

ACTING CHAIR LOSQUADRO:

Oh, he's not coming. Ms. Fagin, how are you.

MS. FAGIN:

Thank you. Thank you for putting me on the agenda, this afternoon now, to allow me to briefly talk about my organization, Child Abuse Prevention Services. We're a small organization with a large mission.

I've been the Executive Director of Child Abuse Prevention Services, CAPS, for the past 23 years. And I've distributed packets of information so I can keep my presentation brief.

Basically it gives you an idea of the types of program that we do, the kind of validation we get in the community through the media. You have also a list of programs that were requested that we present, these programs •• these requests came in in the last three months for the fall school year, so you can see that we get many, many requests for our programs.

Just briefly, in Suffolk County, all of you probably are aware of this, but we know that 8,467 children were reported abused or neglected last year which amounts to about one case reported every hour of every day, 365 days a year. We had last year 568 reports of child sexual abuse. We also know, because we just completed a survey of schools on Long Island, middle schools on Long Island, we know that four out of five Long Island middle school students say there's a bullying problem in their school. We also know through some statistics that one out of five kids have received an on•line solicitation when they're surfing the Internet and we know that one out of 33 kids have received a very aggressive on•line solicitation. What I mean by that is that they have been requested to meet someone off•line, you know, someplace out in the community.

My organization uses professionally trained community volunteers to present a number of different programs, educational prevention programs to children, elementary, middle and high school students across Long Island. Last year we were in almost eleven hundred classrooms throughout the Island reaching more than 27,000 children with these programs. Last year we were in 83 Suffolk County schools that received our programs, so we reached more than 16,000 or 15,000 kids with these programs in the past year. We know that our requests are up and we can anticipate that we're going to have a 20 to 30% increase in requests for programs in Suffolk County this year alone. To date, more than a half of million kids have benefitted from

our programs.

And I just want to very briefly tell you the types of things that we're doing with our kids. First of all, we have child abuse prevention programs for elementary, middle and high school students. We offer •• we write and train our volunteers and present bully prevention programs in elementary and middle schools. Our program for 4th and 5th grade students, Steer Clear of Bullies, is probably our most requested program, and on any given day in this County we're probably doing a program in one of the schools.

We also have a program for 6th and 7th grade students, Step Up and Speak Out, which is on bully prevention and a program specifically for girls. If any of you are the parents of middle school age girls, you know that they can be particularly mean and that bullying isn't just restricted to boys, that girls can be quite •• can be bullies, especially in the middle school years, so we have a program for them.

We also offer programs on sexual harassment, date rape prevention, and our most recent program that we will be piloting in the next couple of weeks is a program called Surf Safe, and this is a program on Internet safety for middle school aged kids. And I'm sure all of you are very much aware of the Stephanie Caruso case, in January of this year Stephanie was a 16 year old girl from Hampton Bays who met someone on•line and developed a relationship with this person, ended up meeting him and traveled to Mexico with him. It turned out that he had been a convicted sex offender. This case, unfortunately, is not unusual and we know that many kids fall pray to predators on•line and our program we hope will do something about it. In fact, we have been working with Detective Rory _Forrestal_ from the Suffolk Crimes •• from the Suffolk Computer Crimes Unit as well as Austin _Berglass_ who is a Special Agent of the FBI who deals with computer crimes as well, so we put together a program which we will be launching in the next couple of weeks.

Briefly, we know that the costs of child abuse are absolutely staggering. That \$2.5 billion a year is spent in New York State in some area of trying to remediate this problem, through the Justice Department, through education, through mental health, through Health Departments, all of these •• this creates a burden of about \$1,400 per family per year. So our programs are absolutely critical and what we have seen is prevention, doing prevention at an early age is a very, very wise investment for everyone, for government, for the private sector, for our

communities and our schools.

Just in closing, I just want to recount a story to you, a recent story. One of our volunteers went into a classroom and was speaking to an 8th grade class on harassment prevention, and at the end of the class this student came forward and mentioned that she had a friend who had been in communication with someone, some young man from Florida who said he was coming up that weekend to visit her. Now, she had no idea whether this person was 15 years old as he said he was or whether he was 25 years old or 35 years old, or even 45 years old, but she hadn't told her parents and this guy was coming up to visit her. Because of our program, this student came forward and spoke to us and spoke to the teacher and the teacher got in touch with the parents of this child so that this meeting could be stopped and we know that we might have definitely prevented another case like Stephanie Caruso's.

ACTING CHAIR LOSQUADRO:

Thank you. Legislator O'Leary?

LEG. O'LEARY:

Good afternoon. The numbers you reported in your correspondence to us is rather alarming. One of the concerns that I would have as a former police officer/detective is when matters of this sort are brought to the attention of your agency, is there a mandatory requirement that they be reported to the authorizing agencies if it's a criminal matter? Is it mandatory that you report to the police or any other prosecutorial agency to look further into the matter?

MS. FAGIN:

In terms of our agency, I •• as Executive Director, I absolutely insist that when something is brought to our attention it is brought to the proper authorities. So if it's a case of intrafamilial abuse, it would go to New York State Hotline. If it's a case of sex abuse perpetrated by someone other than a family member, that it would go to the police, and we had a case like this. We did a date rape prevention program at a school and at the end of the class one of the students came forward and spoke to our volunteer and disclosed that she was being molested by her driver's ed teacher, she said that she was •• every time she was in the car he would drop off all the other kids first and then he would attempt to grope her and touch her.

LEG. O'LEARY:

All right, that specific example, was that reported to the police for investigation?

MS. FAGIN:

That was absolutely reported to the police. So that when we got hold of that, we spoke with the principal and the principal called the police.

LEG. O'LEARY:

Yeah. I mean, my only concern is that sometimes when there's allegations made there's an interpretation on the part of the individual receiving that information and makes a determination that perhaps in his or her mind it's not criminal in nature and, therefore, it's not reported; that would be a concern of mine. In every instance, I would think, when there's an allegation made of sexual misconduct by a child involving any sort of perpetrator, that's a crime and I would not like to think that your organization would try to intervene or to try to correct the matter or remedy it without going to the proper authorities.

MS. FAGIN:

It is absolutely not our role. And I agree with you a hundred percent, Mr. O'Leary, that it is the role of the Police Department to intervene in those cases. And what's really important for us is since we are encouraging kids, if there is a problem, that they speak out, that they speak to an adult, they that they disclose, we want to make sure that their disclosure doesn't fall on deaf ears, we want to make sure that an adult is going to follow through and make a report to the proper authorities.

LEG. O'LEARY:

Okay.

MS. FAGIN:

Thank you.

ACTING CHAIR LOSQUADRO:

Thank you. Any other questions? Thank you very much for the presentation.

MS. FAGIN:

Thank you.

ACTING CHAIR LOSQUADRO:

So the next one is Hollander? Oh, all right, so Mr. Hollander is not here. Okay, on to the agenda.

Tabled Resolutions

1421•05 • Adopting Local Law No. 2005, a Local Law to prohibit the sale of all cold medicine containing Dextromethorphan (DXM) to minors within the County of Suffolk (Nowick). I think we have ••

LEG. O'LEARY:

Motion to table at the request of the sponsor.

ACTING CHAIR LOSQUADRO:

•• a request of the sponsor to table. Motion by Legislator O'Leary, seconded by myself. All those in favor? Opposed? ***1421 is tabled***
(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).

1497•05 • Adopting Local Law No. 2005, a Local Law to regulate boarding kennels, businesses and establishments (County Executive). Counsel, the public hearing has been closed?

MS. KNAPP:

Yes.

LEG. O'LEARY:

Motion to approve.

ACTING CHAIR LOSQUADRO:

Motion to approve by Legislator O'Leary, seconded by Legislator Foley. All those in favor? Opposed? ***1497 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).***

1752•05 • Requesting legislative approval of a contract award for Quality Improvement Services for the Department of Health Services, Suffolk Health Plan (County Executive).

LEG. FOLEY:

Motion. We have the Commissioner in the audience, Mr. Chairman.

MS. KNAPP:

The Chairman of this committee had asked for information, I understand from Mr. Cohen that he received it, I think that's what was holding it up.

MR. COHEN:

Yes.

ACTING CHAIR LOSQUADRO:

To the Chairman's satisfaction, Mr. Cohen?

MR. COHEN:

Yes.

LEG. O'LEARY:

Second on the motion to approve.

ACTING CHAIR LOSQUADRO:

Motion to approve by Legislator Foley was it?

LEG. FOLEY:

Yes.

ACTING CHAIR LOSQUADRO:

Seconded by Legislator O'Leary. All those in favor? Opposed?

1752 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).

LEG. FOLEY:

Mr. Chairman, if you would suffer an interruption. Would you ••

ACTING CHAIR LOSQUADRO:

Legislator Foley.

LEG. FOLEY:

Would you •• it would be helpful if we had the Commissioner come forward in case there are some questions.

ACTING CHAIR LOSQUADRO:

Commissioner, please come forward.

LEG. FOLEY:

Thank you.

ACTING CHAIR LOSQUADRO:

I don't know if there are any questions under the rest of the tabled resolutions, but we were going to have you come up shortly anyway, so. Thank you.

1789•05 • Adopting Local Law No. 2005, a Local Law to protect the health of minors by enacting the Colette Coyne Melanoma Awareness Act in Suffolk County.

LEG. O'LEARY:

Motion to approve.

ACTING CHAIR LOSQUADRO:

I just want to confirm that the public hearing has been closed; Counsel, yes?

MS. KNAPP:

Yes.

LEG. FOLEY:

I will second.

ACTING CHAIR LOSQUADRO:

Motion to approve by Legislator O'Leary, seconded by Legislator Montano. All those in favor? Opposed? **1789 is approved**
(VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).

LEG. FOLEY:

Thank you.

1828•05 • To establish an information program to protect Suffolk County residents from the dangers of overexposure to the sun (Viloria•Fisher). I know there had been some questions on this as to whether or not this would just be administered through the Health Department, should they be the authorizing entity, not the parks? I think the •• I know there has been some outreach to the sponsor, if she would consider amending this, I have not •• I don't believe anything has been heard back yet. So I'll make a motion to continue the tabling?

LEG. FOLEY:

Motion to table.

LEG. O'LEARY:

Second.

ACTING CHAIR LOSQUADRO:

Motion to table by myself, seconded by Legislator Foley. All those in favor? Opposed? **1828 is tabled (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).**

1922•05 • Adopting Local Law No. 2005, a Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display of public warning notices regarding pesticides (County Executive).

LEG. O'LEARY:

Motion to table.

ACTING CHAIR LOSQUADRO:

Motion to table by Legislator O'Leary, seconded by myself. All those in favor? Opposed?

LEG. FOLEY:

Opposed.

ACTING CHAIR LOSQUADRO:

We have Legislator Foley as opposed. **1922 is tabled (VOTE: 4•1•0•2 Opposed: Legislator Foley • Not Present: Legislators Tonna & Binder).**

Home Rule Message No. 6 • Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to conduct inspections of pet dealers and to provide penalties for violations of Article 26•A of the Agriculture and Markets Law (Assembly Bill A.8194 and Senate Bill S) (Presiding Officer at the Request of the County Executive). Do we have a Senate bill number on this, Counsel.

MS. KNAPP:

I have not seen an amended copy on this one yet, I guess we're still waiting for it.

LEG. O'LEARY:

Motion to table.

ACTING CHAIR LOSQUADRO:

Motion to table by Legislator O'Leary, seconded by Legislator Montano. All those in favor? Opposed? **Home Rule Message No. 6 is tabled (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).**

On to Introductory Resolutions.

Introductory Resolutions

1945•05 • Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of digital mammography equipment for the Riverhead Health Clinic (CP 4055). Commissioner, I'm assuming you have a comment on this?

COMMISSIONER HARPER:

Yes, I do. First of all, I would like to certainly thank Legislator Caracciolo for putting forth this

resolution. As you may be aware, I'm very supportive of the use of digital mammography and there have been recent studies which have actually confirmed our understanding that digital mammography is ultimately the best way to provide an x•ray as far as breast cancer screening is concerned. However, in Riverhead we have a limitation in terms of space. Apparently there were plans made to renovate the Riverhead Health Center a number of years back and there was no space made available for x•ray or mammography equipment, so that would be the only reservation I have regarding using this at Riverhead in particular.

ACTING CHAIR LOSQUADRO:

I guess Legislator Kennedy and then Legislator Foley.

LEG. KENNEDY:

Hi. How are you? Thank you for being here.

COMMISSIONER HARPER:

My pleasure.

LEG. KENNEDY:

Describe for me, if you will please, just approximately what is the size of this equipment that we're talking about?

COMMISSIONER HARPER:

Oh, boy. In terms of the amount of space that would be needed, it would be somewhere in the range of •• without being very specific, somewhere in the range of probably a 12 X 12 foot room that would be needed.

LEG. KENNEDY:

You need a 12 X 12 foot room?

COMMISSIONER HARPER:

That's correct.

LEG. KENNEDY:

I mean, the piece of equipment, is it bigger than the table that you sit at?

COMMISSIONER HARPER:

No, it's not as large as this table. Okay, if you want to look at the table, maybe from the end of the table to perhaps this area.

LEG. KENNEDY:

Okay. And the mammography equipment itself, in order to be functional, does it need any particular •• any speciality in the room? I mean, does it have to be lead•lined walls or does it have to be particularly wired or does it have to be ••

COMMISSIONER HARPER:

Yes, specifically it has to be lead•lined and there may be special electrical requirements for the equipment.

LEG. KENNEDY:

Okay. But all things being equal, it sounds like what you've just described to us is something that may be 12 X 12 at most, maybe 12 X 6? You know, obviously you need to have a patient and a tech who is there to be able to administer the mammogram.

COMMISSIONER HARPER:

Yeah. Let me be very clear, if arrangements can be made to fit the equipment in the health center very I'm supportive of it, but the current plans, the way that they're designed currently, there was no space that was designed for the mammography unit.

LEG. KENNEDY:

But the other thing I guess that I want to make certain at this point, too, I'm fairly familiar with the ongoing plans for renovation in the County Center in Riverhead, my understanding was that it is the north side of the building, basically the lobby and the wings that house the County Clerk and those areas, any renovation work on the other side it was my understanding was already done. There's no additional renovation work that's being contemplated at this point, is that correct?

COMMISSIONER HARPER:

I'm not •• you may be more familiar with the plans than I am, actually, for the health center. It's my understanding just for the health center area itself that there were plans that were put in place to renovate our current health center, but there was no space allocated for mammography.

LEG. KENNEDY:

Okay, now I'm complicating it even more which I did not want to do. If it's a matter of space we ought to be able to find 12 X 6 or 12 X 12, that shouldn't be an issue. But then I guess there's the other question as to whether or not there is a project. Mr. Zwirn is here; do you know, Ben, whether or not ••

MR. ZWIRN:

Legislator Kennedy, I think that the real problem with this was the size of the unit and there was just no space. I think the Commissioner is right, I mean, I think •• I mean, we're putting a digital unit in Coram, the new health center because there is space and the Legislature has made the commitment with the County Executive to do it. So I think we're in favor of the technology, the technology has been proven to really be terrific and a big advancement in detecting breast cancer.

I think in this particular case, though, it was just •• I think we have to find the space and then ••

LEG. KENNEDY:

If the equipment is that good, which I believe it must be because obviously the doctor is saying this, and the Riverhead County Health Center is on the south portion of the Riverhead County Center and it's on one side of the hall, and on the other side of the hall there's various meeting rooms and things like that, there ought to be some space there that somebody can say, "Okay, we'll walk across the hall to administer mammographies that'll save people's lives", right?

MR. ZWIRN:

I don't think there's an objection, I think we just have to ••

LEG. KENNEDY:

Good.

MR. ZWIRN:

Perhaps you know better than all of us because you've spent so much time in the Riverhead Center, I can't answer the question, I don't know. But certainly, if we could find the space we can revisit this rather quickly and get it resolved.

LEG. KENNEDY:

Good. Thank you.

ACTING CHAIR LOSQUADRO:

Well, Legislator Foley is next. Before I recognize Legislator Foley, though, I would just like to say that I concur with Legislator Kennedy that we should endeavor to find the space because as the Commissioner knows, there are many appealing points to digitizing this process. There is the economy that is offered with storage of the records, you have •• you do not have hard copies anymore. It is a far superior technology, not only from a health care standpoint but from an administrative standpoint as well. So, Legislator Foley.

LEG. FOLEY:

Thank you. Mr. Chairman, certainly during next year's deliberations on the Capital Program this should be taken up at that time as well. But over a period of years when we were first putting together the reconstruction plans for the Evans K. Griffing Building •• that was prior to the current administration and prior to your tenure as Commissioner, Commissioner •• I and others from the committee had asked the Department of Health whether or not the proposals for the reconstruction of that portion of the building included any potential expansion of the health center concomitant with an expanded base of clients who would in the future be utilizing that clinic, or that center rather, over the next 15 to 20 years, and over a period of time we were told no, they had the right amount of space. And we as Legislators, bipartisan on the committee and Legislator Tonna had mentioned it as well as others, we said, "Listen, now is the time to put in more than your two cents worth," while the Space Management Committee was reviewing these things, as to whether or not there was a need for future space, not only for any anticipated expansion but also for those unanticipated things that you wish to have some additional space that you can then adapt to for some unmet future need. And that •• we arrived at that point now not three years from now, and I think Legislator Kennedy's points are well taken.

I think we should still move forward with the resolution, in essence, in some respects, forcing

the issue so that if it has to go back to Space Management and some others, to look at ways to

- whether it's in a hallway, whether it's the interior courtyard, whether since it's on the south face of the building, whether it can be expanded where the south wall is. So there are those things particularly that should be looked at within the Capital Program for the reconstruction of the Evans K. Griffing Building and have included in that things
- obviously now there are things that that the Health Department needs that were not included in the space allocation request. So I hope we can move this, Mr. Chairman, so hopefully that will also move the issue, the larger issue, are there other unmet needs that the Health Department needs vis•a•vis an enlarged Riverhead Health Center. Thank you.

ACTING CHAIR LOSQUADRO:

Thank you. Any other questions? I will make a motion to approve and ask the Clerk to list me as a cosponsor.

LEG. FOLEY:

Second, Mr. Chairman.

ACTING CHAIR LOSQUADRO:

Seconded by Legislator Foley. All those in favor? Opposed?

1945 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).

1961 and 62 have already been addressed.

1985•05 • Amending and appropriating the 2005 Capital Budget and Program funds for the construction of Environmental Health and Anthropol Borne Disease Laboratory (CP 4003)(County Executive).

I believe this is almost \$1.4 million. Could we get an explanation on this?

COMMISSIONER HARPER:

If I could ask Dr. Graham to come to the table, please.

ACTING CHAIR LOSQUADRO:

Please.

COMMISSIONER HARPER:

And Vito Minei as well, from Environmental.

ACTING CHAIR LOSQUADRO:

Please, Mr. Minei. And included in that, could we just •• give us an explanation as to where the construction of this facility would take place.

MR. MINEI:

Good afternoon. I'm Vito Minei, Director of Environmental Quality for the Health Department. It's my understanding that the site is located in and amongst the Yaphank County facilities and thereby would be connected to the Yaphank Sewage Treatment Plant.

The discussion of the expansion of the laboratory goes back I would say at least seven years with regard to the environmental health laboratory. At one point it was to be extended here on the Hauppauge grounds but was going to encroach on the police precinct there, so it was decided that alternatives had to be found. One of the constraints with regard to laboratory facilities is usually to try to avoid at most cost any rental properties, to have it as a County facility for a number of reasons. Then a few years later it was believed as the Vector Control activities were expanding that the arthropod laboratory also needed to be expanded. Any casual observer of the facilities in Yaphank, and you can see that Dr. Scott Campbell has materials stored in the hallway and elsewhere, so he's literally bursting at the seams there.

So the rationale was that although the two laboratories don't have joint functions, that there was indeed a concurrent need so the plan was to put the laboratory in Yaphank. And certainly from the environmental division, we support the construction of the laboratory. As most of you know, our requirements increase almost on an annual basis.

ACTING CHAIR LOSQUADRO:

Legislator O'Leary?

LEG. O'LEARY:

Yeah, I have a quick question regarding •• now that I know where the site is. Do we have •• do we currently have a lab that performs these functions, Arthropod Borne Disease analysis or research, and where is it? I mean, my •• at first blush, is this like the County's version of Plum

Island? Can you explain, please?

CHIEF DEPUTY COMMISSIONER GRAHAM:

Yes. I'm Dr. David Graham, Chief Deputy Commissioner of Health. We certainly do have an Arthropod Borne Disease Laboratory in the Vector Control building in Yaphank and by know means is it comparable to Plum Island Animal Disease Research Laboratory.

LEG. O'LEARY:

Okay, I'm happy to hear that.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Nor are they involved in any of the research activities that may be, you know, scientifically evaluated and tested.

LEG. O'LEARY:

What would be the primary function of this?

CHIEF DEPUTY COMMISSIONER GRAHAM:

Primary function is to identify and do surveillance on vectors which include mosquitoes and ticks and other vectors that can transmit mosquito•borne diseases and other arthropods including ticks to humans. So the purpose is to identify those vectors that can transmit disease to humans and do surveillance so that we know where they are, what they're infected with and how that impacts human health. For example, West Nile Disease, the surveillance on mosquitoes in Suffolk County, all of that work is done in all townships in Suffolk County. An average of anywhere from 30 to 35 different mosquito traps are set throughout the County and we collect almost on a daily basis vectors, particularly mosquitoes, to determine what species are present, which ones are known to be infected with West Nile Virus and another half a dozen viruses and submit those specimens to the laboratory in Albany to identify whether or not these mosquitoes are carrying pathogens that are ••

LEG. O'LEARY:

Are we not submitting those specimens to Stony Brook University?

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's correct. They go automatically as part of our relationship, our working relationship with

the Department of Health and New York State, those vectors are submitted to _Walsworth_ Laboratory in Albany.

LEG. O'LEARY:

Not Stony Brook University?

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's correct. Stony Brook University, there is currently no specific contract with their laboratories, which they have obviously there, but at this time there is no current contract to do that kind of work at the local university at Stony Brook. We have evaluated ••

LEG. O'LEARY:

I know there has been a contract because it was my initiative that we entered into an agreement with Stony Brook University to have the ••

CHIEF DEPUTY COMMISSIONER GRAHAM:

Exactly. We looked at that very carefully and we submitted that actually to Stony Brook University over the last few months, in the past year I believe it was, wasn't it? That apparently that the overhead costs, administrative costs at Stony Brook were so prohibitive that it was not in the best interest in terms of cost effectiveness to submit specimens locally, although we would certainly support any contract that could be done at a •• financially could be done in a way that could be comparable to the specimens that we submit to _Walsworth_ on a routine basis; we would obviously support something like that locally, that would be very important.

LEG. O'LEARY:

Will the functions of this lab preclude us from sending stuff to Albany; will the analysis be done right here on site at this lab rather than sending them out?

CHIEF DEPUTY COMMISSIONER GRAHAM:

The capability should be incorporated into the laboratory, we would support that, the capability to do it locally so that that should •• we should be able to perform some of those laboratory functions locally rather than always sending it ••

LEG. O'LEARY:

Well, I would hope it would be a priority to do so because one of the concerns of us going to Stony Brook was the time we had to wait from Albany to get the results of an analysis, you know, anywhere from seven to 10 days at a minimum, sometimes more than that.

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's correct. Any time you can do comparable scientific work at a comparable price locally at a university research center such as Stony Brook, that would be preferable, no question about it.

LEG. O'LEARY:

But currently we're not under contract or anticipating going under contract with the university at this point in time?

CHIEF DEPUTY COMMISSIONER GRAHAM:

We would strongly recommend when that time arrives, when the laboratory •• if the laboratory is fully approved and equipped, we would certainly strongly support, you know, an arrangement like that for the reasons that you gave.

LEG. O'LEARY:

But to get back to my point, in the meantime we're sending samples to Albany now, not to Stony Brook, and I was under the clear impression we were sending them to Stony Brook.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Not at this time.

LEG. O'LEARY:

Because the contract has expired?

CHIEF DEPUTY COMMISSIONER GRAHAM:

Because ••

LEG. O'LEARY:

Have we ever sent anything to Stony Brook?

CHIEF DEPUTY COMMISSIONER GRAHAM:

We have some research projects with Stony Brook that are done, but we currently do not have that I'm aware of any contract with, for example, Dr. _Binache's_ laboratory there in Molecular Biology, he's the Director of the Molecular Biology Department, we currently do not have a contract that I'm aware of at this time.

LEG. O'LEARY:

All right, let me be more specific then. Have we ever had a contract with Stony Brook University to do an analysis of samples involving mosquitoes or the West Nile Virus or EEE? Because clearly this body approved an appropriation to do just that; and are you here today telling me that that never occurred?

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's my understanding at this time.

LEG. O'LEARY:

I tell you, that's incredible.

ACTING CHAIR LOSQUADRO:

I need just a point of clarification. With interest on the bond, you're talking about \$1.541 million, a million, five hundred and forty•one thousand dollars. And I hear you •• heard you using the term should be included; what would be the point of constructing this facility if we were not able to test for those vectors locally?

CHIEF DEPUTY COMMISSIONER GRAHAM:

Yeah, there ••

ACTING CHAIR LOSQUADRO:

You said we should be able to test.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Yes. Well, because there are different levels ••

ACTING CHAIR LOSQUADRO:

I just want some clarification on that.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Yes, there are actually very important reasons why. There are different levels of laboratory, obviously, that I'm sure you're familiar with that require certain safety precautions be taken at different levels ••

ACTING CHAIR LOSQUADRO:

Level I, II, III, right.

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's correct, Levels I, II, III and IV, and right now our laboratory is at the Level of II. The laboratory at the _Walsworth_ Center in New York State is actually at a level of three and a half, so they deal with pathogens such as Rabies which are highly lethal, but they also offer a vaccination and prophylactic medicine to respond in the event of an exposure. There is no •• this laboratory here ••

ACTING CHAIR LOSQUADRO:

I was just going to say, what is the proposed biohazard, safety level of this facility we would be constructing?

CHIEF DEPUTY COMMISSIONER GRAHAM:

The proposal should seriously consider a Level III.

ACTING CHAIR LOSQUADRO:

I still don't understand should. We have a specific number here, \$1.369 million and accrued interest of \$172,000, I don't understand the should include. Do we have a proposal or don't we have a proposal, because it seems like a very specific number.

COMMISSIONER HARPER:

Well, if we might, maybe we should go back and review specifically the level. Les, you have that information.

MR. MARCHESE:

This money ••

ACTING CHAIR LOSQUADRO:

Please, you have to step forward, use the microphone, please.

MR. MARCHESE:

Okay. This money was put into the budget for the planning and the design of the lab, it's not for the construction. So as Dr. Graham has said, it should support a level III level of a lab, however we have to get through ••

ACTING CHAIR LOSQUADRO:

Actually, that was not said, we were trying to get to that.

MR. MARCHESE:

Okay. We have to get through the planning stage, the design stage to get to the construction stage.

ACTING CHAIR LOSQUADRO:

Well, maybe for the County Executive who sponsored this bill, the title of the bill is for the construction of an Environmental Health and Arthropod Borne Disease Laboratory, so I think you can understand the confusion of this body who was not aware that was for design and planning.

MR. MARCHESE:

It's the initial phase of the construction.

ACTING CHAIR LOSQUADRO:

Well, that's a bit different and that explains some of the shoulds and woulds and coulds, but this is not titled correctly.

LEG. KENNEDY:

Mr. Chair?

ACTING CHAIR LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. Now that we know that, I guess what we were discussing here is the planning that would go on for a lab. Let me just ask a couple of questions about the lab function itself. Currently the West Nile cases that were just established over here in Blydenburgh very recently, the testing associated with those mosquitoes was done by this lab in Albany?

COMMISSIONER HARPER:

That's correct.

LEG. KENNEDY:

Okay. And It takes an average of seven to ten days to go ahead and send up a mosquito, have it tested and have the results come back to you?

COMMISSIONER HARPER:

That's correct, that's approximate.

LEG. KENNEDY:

What does something like that cost us, \$100, \$1,000, \$5?

MR. MARCHESI:

It's minimal, it's the delay buying project.

COMMISSIONER HARPER:

He wants the cost of the West Nile testing.

LEG. KENNEDY:

Well, maybe I'm •• again, perhaps I'm not asking in the proper manner, maybe that is, you know, a primitive question. Maybe the question is what is the contract that we have with _Walsworth_ Lab which I guess is a portion of the State Department of Health for furnishing West Nile testing services; is that the proper question?

COMMISSIONER HARPER:

That may be the proper question ••

LEG. KENNEDY:

Okay.

COMMISSIONER HARPER:

•• but honestly I don't have the answer right in front of me, I would have to really check and see.

LEG. KENNEDY:

All right. So even if I get it in the proper manner, we don't have answers anyhow.

COMMISSIONER HARPER:

I don't have that, yeah, the specifics for the budget.

LEG. KENNEDY:

Okay, good.

CHIEF DEPUTY COMMISSIONER GRAHAM:

See, part of our relationship with New York State _Walsworth_ Laboratory allows us to submit various animal specimens for testing at their laboratory, that's part of the relationship of New York State with all the local health units, including Suffolk County. However, there are limitations to that; there are limitations on how many specimens you can submit every week, there limitations for what diseases you can test them for, what they're capable of testing at the laboratory there, etcetera, so there are other limiting factors that ••

LEG. KENNEDY:

Okay, Doctor. And I know we have more questions here and I'm going to go back, I'm just going to stay with this for a little bit longer.

So in other words, let's see, we're an agent of the State by virtue of some of the things that we do. Out in the Clerk's Office we were an agent for taxation and finance, we did certain functions, so as an agent we're entitled to go ahead and get some things tested. So if we find like five rats maybe we can get them tested, but if we go ten rats we're over the limit; what is it? I don't understand.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Correct. There are so many pools of mosquitoes, that is collections of mosquitoes that we are allowed to submit on a weekly basis to the laboratory in New York State because other counties also are submitting specimens and there's a limitation obviously at State level.

LEG. KENNEDY:

I need to speak about the environmental stuff, too. And I know this is important, I'm going to defer to Legislator O'Leary in who's district it would be in.

LEG. O'LEARY:

Thank you. Thank you, Mr. Kennedy.

ACTING CHAIR LOSQUADRO:

Thank you. Legislator O'Leary.

LEG. O'LEARY:

I'm absolutely astounded that you're here today telling us that we passed a resolution appropriating \$275,000 for this County to enter into an agreement with Stony Brook University for the specific purpose of expediting the mosquito testing two years ago, two years ago. And you're sitting here telling me today that we never entered into a contract with Stony Brook University? Not only that, but we've never sent any samples to Stony Brook University lab for analysis. The whole purpose of it was the safety factor for the people in this County to expedite the process. We were told as Legislators that there was a time lapse, a safety concern of sometimes more than two weeks, waiting for the report to come back from Albany, and because of that we passed this initiative. And you're here today telling me that the County never ever entered into an agreement with Stony Brook University Lab to expedite that process?

MR. MARCHESE:

Could I add a comment?

LEG. O'LEARY:

Yeah; well, somebody better clarify something. Mr. Zwirn, I'm asking you to come up very shortly, too.

MR. MARCHESE:

The fact was that when the money was appropriated, the Health ••

LEG. O'LEARY:

And who are you, sir?

MR. MARCHESE:

Len Marchese, I was the Director of Finance then, I still work for the Health Department so I have a little history in what happened when the money was appropriated.

LEG. O'LEARY:

Did we ever enter into an agreement with the lab at Stony Brook University for the purpose of expediting testing samples of mosquitoes for West Nile Virus?

MR. MARCHESE:

The final answer •• the answer would be no.

LEG. O'LEARY:

No.

MR. MARCHESE:

But there's a reason why. We tried, s Dr. Graham stated, when the money was appropriated to meet with Stony Brook. However, when we met with them, their costs were prohibitive. So by the time we were able to get down to the testing phase, the amount per test was way exorbitant for the amount of time that we were going to save as a result of entering into the contract with them. So we went back and forth for a period of six months, eight months, and couldn't come to a reasonable compromise. Therefore, the year ended and we weren't able to test it.

LEG. O'LEARY:

What happened to the \$275,000.

MR. MARCHESE:

It was closed out to fund balance.

LEG. O'LEARY:

Fund balance? Well, I'll tell you what, I mean, the resolution was 1202 of '04, approved 18•0 by this body. Mr. Zwirn, can you come up, please? As long as I have the mike, I just wanted to ••

ACTING CHAIR LOSQUADRO:

I would just like to note, before you speak, that this was signed by the County Executive, not even by his Chief Deputy as has been the case.

LEG. FOLEY:

By himself.

LEG. O'LEARY:

Yeah, by himself, March of '04. Ben, I'd like to have an explanation, then, if it's not coming from you today, I would like to have some sort of explanation as the prime sponsor of this particular initiative and the purposes cited why we wanted to do this, why it was just totally ignored and why it did not come back to this body that there was no •• obviously negotiations on the price. The people from Stony Brook University came before this body, out in Riverhead when it was the hearing, and they clearly stated, my recollection was the 275,000 would be certainly more than sufficient to provide the services that we were asking them to provide. What is ••

MR. ZWIRN:

I want to make sure I understand so I get the right questions answered. The question that you want me to have answered is what happened, why didn't we sign the contract with Stony Brook; is that simply that ••

LEG. O'LEARY:

Yeah, kind of base, yeah.

ACTING CHAIR LOSQUADRO:

That's part A.

MR. ZWIRN:

Part A, okay.

LEG. O'LEARY:

And why, and why if the contract •• I've been under the impression these last almost two years that it has been done, that we were expediting a process of testing with the Stony Brook Lab, and now I'm told today that it's never occurred, we've been sending up to Albany.

MR. ZWIRN:

Well, I'll find out why. But as long as everything has been tested, I would imagine that ••

LEG. O'LEARY:

That's not ••

MR. ZWIRN:

But I'm just saying, the County taxpayers and residents are protected.

LEG. O'LEARY:

Look, that's not the point. The point was that ••

MR. ZWIRN:

But I'm just saying, I think that ultimately public safety is the point. But I will answer you, I'm not trying to be cute, I will find out the answer to your ••

ACTING CHAIR LOSQUADRO:

No, I don't think that's cute, Mr. Zwirn, I think that's insulting to this body; no offense, I think that's insulting to this body. Because Legislator O'Leary obviously brings up a very important point here, that we were allowed to continue under the impression that this was being expedited. We knew it took a certain amount of time, we passed a resolution to decrease that window and it did not occur, so for you to say, "Oh, but they were protected anyway," I ••

MR. ZWIRN:

No, no. The public safety of the people who live in this County is paramount. When the Health Department could not reach an agreement with Stony Brook, they just didn't throw up their hands and say, "Well, we're not going to test. The heck with it, it's too much money," they went

to New York State ••

ACTING CHAIR LOSQUADRO:

As had been done before ••

MR. ZWIRN:

•• Under Governor Pataki ••

ACTING CHAIR LOSQUADRO:

Please, sir.

MR. ZWIRN:

And they went to the State Health Department and had it tested.

ACTING CHAIR LOSQUADRO:

This is what was going on in the past.

MR. ZWIRN:

Now, that money was not taken by anybody, that money was resolved in the fund balance and went back to the taxpayers and the taxpayers were protected. But aside from that, I will find out the answers to your questions which I think are •• which are fair.

ACTING CHAIR LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

I'm •• you know my position and it's not too often that I get into this kind of an emotional, excitable state.

MR. ZWIRN:

It's been a long time, I know.

LEG. O'LEARY:

Yeah? I mean, it's just astounding to me that the administration •• and again, this is another example of the administration just ignoring the intent and the wishes and directions of this

body. I mean, it just astounds me that this is occurring, and more and more and more we're hearing examples of this.

MR. ZWIRN:

I don't think that's true, but that's ••

LEG. O'LEARY:

Well, that's your opinion.

MR. ZWIRN:

Yes.

LEG. O'LEARY:

And I have my opinion as well.

MR. ZWIRN:

Correct.

LEG. O'LEARY:

And clearly, clearly, on this particular initiative Stony Brook personnel came before us explained their situation that they were very capable of performing this. It was their number, the 275 number, not the County's, so obviously something happened in the mix here, in the sitting down and trying to enter into a contractual agreement with Stony Brook University. If that was the case, at a bear minimum we should have been apprised of that, we should have been apprised of a body that negotiations in the contract broke down, that did not occur.

ACTING CHAIR LOSQUADRO:

I'm going to make a motion to table, second by Legislator O'Leary.

All those in favor? Opposed? **1985 is tabled**, and hopefully more information will be forthcoming (**VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder**).

1987•05 • To establish a Rabies Immunization corridor along the Nassau/Suffolk border to prevent the establishment of rabies in Suffolk County (County Executive).

Can we get an explanation of this? From my reading of it, this is a 35 mile wide corridor that

you're seeking to establish?

COMMISSIONER HARPER:

That's correct.

ACTING CHAIR LOSQUADRO:

And through what means and what is the •• obviously the intent is to prevent the spread of Rabies, but through what means and historically what has been the success of these type of measures?

COMMISSIONER HARPER:

Okay. If I can give you just a little background, just so that you're aware of why we're making this proposal.

ACTING CHAIR LOSQUADRO:

Sure.

COMMISSIONER HARPER:

Essentially, you may have heard that in Nassau County there may have recently been cases of Terrestrial Rabies, so this is Rabies in the raccoon population. For the most part, in Suffolk County we've been very fortunate in that we do not have any •• no rabid raccoons have been found. And in essence, it was roughly •• correct me if I'm wrong, Dr. Graham •• 24 years prior to that that Nassau County did not have any cases of our rabid raccoons.

The reason why this is important is because if a person, a child were to suffer a bite from a cat or a dog in a County that has been found to have rabid raccoons, that then forces the physician to then go on a certain course where the individual would have to be immunized if there was a suspicion that the dog was, in fact, a rabbit. If we don't have any case of rabid raccoons, then there's really no •• you can isolate the dog and just watch the dog without actually following up with treatment on a given individual.

So this proposal is really an attempt to assure us that we will not delay any onset of rabid raccoons in Suffolk County. Ultimately what happens is if a person, once you find a rabid raccoon and a person is found to be bitten by a rabid raccoon or a rabid animal, it entails a lot

of costs as far as the Health Department is concerned in terms of distributing the same vaccine as well as following up on patients and doing the epidemiological follow-up. So what we're attempting to do is to prevent that from occurring in Suffolk County by being more proactive in vaccinating the raccoon population such that the virus will not be transmitted from the raccoons in Nassau County over to Suffolk County, and thereby saving •• potentially saving quite a bit of money in the future.

ACTING CHAIR LOSQUADRO:

Thank you for the explanation. I see part of the means of distributing this vaccine would be through aerial means; is this something that in that 35 mile wide corridor there would have to be notification, much as there is with the Vector Control Program?

COMMISSIONER HARPER:

Absolutely.

ACTING CHAIR LOSQUADRO:

Okay. Very good.

LEG. O'LEARY:

Why even bother addressing it? They're going to do what they want anyway.

ACTING CHAIR LOSQUADRO:

Would there be the possibility of domestic animals who had already received a Rabies vaccination, coming in contact with this vaccine, would there be any conflict, any sort of ••

COMMISSIONER HARPER:

Adverse reaction.

ACTING CHAIR LOSQUADRO:

•• adverse reaction in those domestic animals?

COMMISSIONER HARPER:

Not that we're aware of; in fact, it may strengthen or boost the immune response of the animal.

ACTING CHAIR LOSQUADRO:

Okay.

COMMISSIONER HARPER:

But certainly •• I don't know if you would like to add to that, Dr. Graham, but that's our current understanding.

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's correct.

ACTING CHAIR LOSQUADRO:

My only other question would be the \$540,000 for this project, this is for the project, this isn't for planning of the project?

COMMISSIONER HARPER:

This is actually for the purchase of the vaccine.

ACTING CHAIR LOSQUADRO:

My only other question is where this money is coming from, from Patient Care Services. You've analyzed the budget, do you not feel this is burdensome in transferring the money from Patient Care Services to cover these costs?

COMMISSIONER HARPER:

No, at this point we think that based on our analysis we would be able to do this.

ACTING CHAIR LOSQUADRO:

I'm sorry, could you repeat that?

COMMISSIONER HARPER:

That's correct, we believe that we would be able to transfer the money for this reason and it shouldn't have a major impact on our current operation.

ACTING CHAIR LOSQUADRO:

And my only other question would be does this extend 35 miles into Suffolk or is it split along

the border? And if it is split along the border, is this something Nassau County will be shouldering some of the financial burden for?

COMMISSIONER HARPER:

This is within Suffolk.

CHIEF DEPUTY COMMISSIONER GRAHAM:

No, this is Suffolk County only. And it's from the Nassau•Suffolk border going east 35 miles which is just east of William Floyd Parkway and all the way to the northern and southern borders. So it covers a significant portion of Suffolk County, obviously.

ACTING CHAIR LOSQUADRO:

It's very substantial.

CHIEF DEPUTY COMMISSIONER GRAHAM:

And the value here is to prevent, as the Commissioner, Dr. Harper, mentioned very clearly, is to prevent terrestrial animal rabies in raccoons in this County which is a very important public health measure.

ACTING CHAIR LOSQUADRO:

Okay. Do we have a question from Legislator Kennedy?

LEG. KENNEDY:

Are you actually going to attempt to go and capture raccoons to go ahead and treat them or is it merely going to be this aerial spraying?

COMMISSIONER HARPER:

No, this would be •• it would be sort of random, we're not going to capture any raccoons in order to do this at all. So the sense is that ••

LEG. KENNEDY:

Do you have alternatives to spraying, is there things such as baits or stuff like that that might be set out in parks?

COMMISSIONER HARPER:

Just so that you're aware, we're not really spraying, we're distributing an actual bait that would be •• it's a fish polymer that would be consumed by the raccoon; and in doing that the raccoon would be vaccinated.

LEG. KENNEDY:

I apologize, Doctor, but I'm confused then. So in other words, you won't have County Health Department personnel who are actually going out to wooded areas who are applying some type of a, I don't know, a hand•held sprayer or something like that?

COMMISSIONER HARPER:

No, no, no, it's actually a bait. I may have •• do we have an example of it that we can share? No, it's a small square.

ACTING CHAIR LOSQUADRO:

I take it there's •• and that was going to be my next question, is there a risk to humans who come in contact with this, especially children whose immune systems are ••

LEG. O'LEARY:

What's that?

LEG. KENNEDY:

That's the raccoon bait.

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's the actual bait.

LEG. KENNEDY:

So we're going to buy a half million dollars worth of these to go ahead and take care of raccoons, is that it?

CHIEF DEPUTY COMMISSIONER GRAHAM:

Yes.

COMMISSIONER HARPER:

Ultimately that's it.

ACTING CHAIR LOSQUADRO:

In the amended copy I see that the number has changed to 385.

COMMISSIONER HARPER:

It's lowered to 385, that's correct.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Three hundred and eighty•five thousand, that's correct.

LEG. KENNEDY:

The only other thing that I •• thank you, I appreciate the actual, I always do better with that. I would ask you to •• you've represented that you're in the position to go ahead and transfer whatever it is, 540,000 or 385, 385,000 from direct patient care at this point. You're actually saying to me at this point that all your operations are staffed and are able to provide patient care?

COMMISSIONER HARPER:

I would just like to confirm that the funds are actually coming from Patient Care Services.

LEG. KENNEDY:

Because I've got to tell you, I know the mental health clinic on the 2nd floor out in Riverhead is woefully understaffed, you know, I know for a fact. So this initiative you present to us seems to have merit, but I'll go with the same thing I've said over and over and over again, when you're taking money away from paying people who are doing a direct service, to me that doesn't wash.

COMMISSIONER HARPER:

I understand.

ACTING CHAIR LOSQUADRO:

And believe me, I understand the public health factor. One of the very important parts of any government is ensuring the public health and I do understand that. But I just would like to

have that question addressed of accidental human contact, especially from children. This product, do we have MSDS' on it, what are the potential risks to humans?

COMMISSIONER HARPER:

We can certainly share that information with you. I'm sorry, I just wanted to confirm the issue regarding where the funds were coming from.

CHIEF DEPUTY COMMISSIONER GRAHAM:

Our finance person, Len Marchese will clarify the financial issue.

MR. MARCHESE:

Some money is coming out of a line that was adopted in the budget to provide funds for renting of a Bay Shore Health Center, that's why it's coming out of a patient care appropriation. However, since currently we're not renting at Bay Shore Health Center, there were some extra funds available and the Commissioner felt that this was an important use of the funds so we put this up as an offset.

ACTING CHAIR LOSQUADRO:

Okay. And Budget Review concurs with that?

MR. ORTIZ:

Yes, there's over \$800,000 in that line that will not be expended.

ACTING CHAIR LOSQUADRO:

Okay, very good. And if we could just get some clarification as to what the actual product is and the risks that it could pose to humans, like I said, especially children with accidental contact. I saw the packets that go inside of those are sort of a brightly colored liquid and I think that's something that might be attractive to kids if they saw it. So like I said, if there's MSDS' available on it or anything like that, it would be appreciated at the meeting on Tuesday.

COMMISSIONER HARPER:

Certainly. Just so that you're aware, this is currently being used in Nassau County since they did find the raccoons that were rabid, now they have to go out and use the same product. So we're attempting to avoid the situation that's going on in Nassau County.

ACTING CHAIR LOSQUADRO:

Very good. Legislator O'Leary?

CHIEF DEPUTY COMMISSIONER GRAHAM:

This is widely used throughout the country and the world, as we've heard. In the northeast United States it's being used and the borders with Canada, New York State, New Hampshire, Vermont and Maine, so it's extensively used.

LEG. O'LEARY:

Thank you, Mr. Chair. Someone just made a statement that there's over \$800,000 not expended in your budget.

COMMISSIONER HARPER:

That's correct, I believe in that line, that's correct.

LEG. O'LEARY:

Who made that statement, your fiscal guy?

COMMISSIONER HARPER:

No, I believe it came from Budget Review.

LEG. O'LEARY:

Oh, our guy, okay. And that's for this year, '05?

COMMISSIONER HARPER:

That's correct.

LEG. O'LEARY:

All right. And I'm assuming that was taken into consideration when you submitted your budget for '06.

COMMISSIONER HARPER:

That's correct. When you say taken into consideration, let me just be clear on exactly what you

mean.

LEG. O'LEARY:

Did you request \$800,000 less in '06 than you did in '05?

COMMISSIONER HARPER:

Oh, yes, for that particular project, that's correct, yes.

LEG. O'LEARY:

And I just have •• just to go back to that other issue, I was just handed something, just as a matter of note on the record, in '04 for that budget fiscal year there's a \$341,000 appropriation and in that fiscal year only \$57,000 was expended and you had a surplus of some \$284,000. So again, to go back to my original point of that \$275,000 appropriation that was directed to enter into a contract, you certainly had the monies to do that within your budget in '04.

COMMISSIONER HARPER:

Okay. Yeah, I don't think there was ever a question really, we had the funds. You're referring back to the SUNY/Stony Brook?

LEG. O'LEARY:

It was a question of just ignoring the direction of this body? Is that the question that we're talking about here?

COMMISSIONER HARPER:

No, no, no. My sense from what actually took place was that, as was mentioned, it was a negotiation in an attempt to follow through with the Legislative directive that ••

LEG. O'LEARY:

Which was ignored. Thank you.

ACTING CHAIR LOSQUADRO:

Do we •• Legislator Montano, did you want to follow up?

LEG. MONTANO:

Well, I just want to go back to the Rabies, just one question. I'm not sure I either heard the

answer or understood it, but with respect to the item we're talking about, what would happen if it's picked up by a young child and it's eaten, is there any indication of what would happen?

COMMISSIONER HARPER:

Well, there really should be •• there's no adverse reaction that could take place with a child, I think that's really the concern.

LEG. MONTANO:

Okay, that's a question.

COMMISSIONER HARPER:

There's always a possibility, let me just be clear, that someone can have •• someone can be allergic, potentially, to a given ••

LEG. MONTANO:

Ingredient?

COMMISSIONER HARPER:

•• polymer ingredient of the item itself.

LEG. MONTANO:

Okay.

COMMISSIONER HARPER:

But generally speaking, that has not been found.

LEG. MONTANO:

Okay. That's good. Good to know.

LEG. FOLEY:

Move the question.

ACTING CHAIR LOSQUADRO:

Thank you. Do we have a motion?

LEG. FOLEY:

Motion.

ACTING CHAIR LOSQUADRO:

Motion by Legislator Foley, seconded by Legislator Montano. All those in favor? Opposed? **1987 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).**

1992•05 • Adopting Local Law No. 2005, a Local Law to protect the health of Suffolk residents by requiring consumers to sign a release form in order to purchase certain chemical pesticides (Schneiderman). I believe we have a request from the sponsor to table.

LEG. SCHNEIDERMAN:

No, not from the sponsor to table.

ACTING CHAIR LOSQUADRO:

Oh, I apologize. I didn't see you there, Jay.

LEG. SCHNEIDERMAN:

I happened to be here. No; in fact, I'd ask you not to table it.

ACTING CHAIR LOSQUADRO:

Okay.

LEG. O'LEARY:

Oh, yeah?

ACTING CHAIR LOSQUADRO:

Does the County Attorney's Office wish to comment on this?

MS. CAPUTI:

Yes, thank you. We would be seeking some revisions to this resolution prior to its passage. It doesn't have a sufficient enforcement mechanism from our perspective. It directs the Consumer Affairs Department •• or Office of Consumer Affairs, rather, to enforce the law, but it

doesn't really provide any procedures or hearing procedures for someone that's accused of a violation or fine to challenge it which would be a due process concern.

And the consent form that's proposed to be used, it's attached to the resolution, just needs some minor tweaking. It says that the Health Department is compiling a list of pesticides, but to my knowledge there's no resolution or code section that's pending or existing that requires that we do it; maybe Dr. Harper could tell us if they are, I don't think they are. And then it sort of presumes the enactment of a resolution that's been passed by this body but it hasn't been signed off by the County Executive which is 1776 that says that they're going to be segregated, but I'm not sure that that's going to happen yet. You might want to just remove that if it's not finally enacted.

LEG. SCHNEIDERMAN:

Right, I believe that •• if I may. That resolution ••

ACTING CHAIR LOSQUADRO:

Legislator Schneiderman, thank you for joining us.

LEG. SCHNEIDERMAN:

Thank you. Yeah, I believe that 1776 is on the County Executive's desk and I'm not sure what the fate of it would be, but that bill would require the pesticides to be stored within retail establishments according to their safe storage requirements. This bill targets only those pesticides that contain acute human toxins, those that contain endocrine disruptors, potential or suspected carcinogens, reproductive toxins or neurotoxins. And it would say that if a consumer was purchasing those, that they basically would sign a release that they understand that this chemical does contain toxic substances and that they will read the labels and follow the precautions and follow some general safety precautions as well. So if the •• if I'm hearing some sign from the administration that they're willing to work with me on this type of bill ••

MS. CAPUTI:

Sure, we would help you, we'll work with Ms. Knapp or whatever.

LEG. SCHNEIDERMAN:

•• I will be happy to support the tabling.

LEG. O'LEARY:

So he's prepared to tweak.

ACTING CHAIR LOSQUADRO:

You're in tweak mode.

LEG. FOLEY:

Motion to table.

LEG. O'LEARY:

Second.

ACTING CHAIR LOSQUADRO:

Motion to table by Legislator Foley, seconded by Legislator O'Leary. All those in favor?

Opposed? ***Motion is tabled (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder).***

Commissioner Harper, before I let you go, I know Legislator ••

LEG. FOLEY:

The Sense Resolution?

ACTING CHAIR LOSQUADRO:

Yes, but Legislator Tonna and Legislator Binder weren't here today, and to let you get off without one additional question, I just think you wouldn't feel at home in this committee.

I have received a number of phone calls regarding applications in the Air Pollution Division and the fact that they're currently backlogged; and in fact, I saw a copy of a letter to one of the applicants stating that they were backlogged in excess of eight or nine months. Can anything be done to address this backlog? Is this the case?

COMMISSIONER HARPER:

If I can ask Mr. Vito Minei to come up and speak on this issue?

ACTING CHAIR LOSQUADRO:

Yes.

MR. MINEI:

Hello again. I'm a little confused, we do not have an air pollution division. I believe it related to commercial fuel storage tanks, was that the nature of the question?

ACTING CHAIR LOSQUADRO:

That, stand•by generators, things of that nature.

MR. MINEI:

Right, right.

ACTING CHAIR LOSQUADRO:

What division would that •• I apologize if I'm ••

MR. MINEI:

No, I understand, that's fine. It's the Office of Pollution Control.

ACTING CHAIR LOSQUADRO:

Pollution Control, I apologize.

MR. MINEI:

Within the Division of Environmental Quality in the Health Department. And indeed, we ••

ACTING CHAIR LOSQUADRO:

I knew it was the Health Department, that's why I was asking the Commissioner.

MR. MINEI:

Yes, yes, you were correct. And I've been working with the Commissioner and with the administration to address that, it is indeed an unacceptable backlog. It deals mostly with commercial applications and with school districts that have large fuel tanks. And we indeed have incurred, and I know Legislator Kennedy is nodding because we've discussed this before, we have indeed an unacceptable backlog because we have two _fuel review_ engineers and field inspectors, those are Public Health Sanitarians. We've worked with the administration

during the budget period, you'll see a recommendation for one new Engineer, one new Public Health Sanitarian and we have a vacancy of an engineer in the division that we're hoping to fill, so with that staff we hope to dramatically cut the backlog. But we thank you for the attention and it's accurate, it's an unacceptable backlog.

ACTING CHAIR LOSQUADRO:

Thank you. Legislator Kennedy?

LEG. KENNEDY:

Vito, I'm glad to hear that. As you know, we discussed this going all the way back six months ago where I also was told by a constituent in the Hauppauge Industrial Park of somewhere in the neighborhood of a nine to 12 month delay from the time of submission. Personally I think that what that does is it really sends the wrong message to the business community, especially since in this case it was somebody who was coming forward proactively, not as a result of any kind of violations that our own inspectors had sought, but they were within their business plant trying to move forward. What can we do now? '06 sounds like you'll get maybe some staff, maybe if the Executive signs a SCIN; what about now?

MR. MINEI:

Well, I'm glad you asked that question because at the time you asked the question I was already discussing options with the Commissioner and one thing we did immediately, and it was probably about six months ago, was we transferred two people from one unit in the Division of Environmental Quality to the Office of Pollution Control, one permanently and one on an interim basis, and the interim may be extended as you indicated. That engineer was trained and she's now doing reviews of commercial tanks. The other person we transferred a few months ago was intended, and you'll have to follow me on this line of reasoning, she was intended to help with another aspect of the Office of Pollution Control with regard to oversight of spill clean•ups to free up sanitarians to do the inspection of the new installation of chemical tanks so that the review engineers did not have to go out. So two staff have been transferred, one permanently, one on this interim basis for however long it takes, and we have a vacancy we hope to fill very shortly and then we have the two positions in the budget we hope are successfully included in the budget when the deliberations are done.

LEG. KENNEDY:

I've got to go ••

MR. MINEI:

But we are addressing it, but the point is ••

LEG. KENNEDY:

I understand that.

MR. MINEI:

•• it's a holding pattern, we haven't really cut into the backlog.

LEG. KENNEDY:

I've got to go to the kiss philosophy here, though. How many people do you need to do the job; will the two staff fix it or do you need more?

MR. MINEI:

We believe that that will certainly dramatically cut it. We believe to get all the way back to a one month waiting period for review of it, we probably could use one more engineer and I'm evaluating that with the staff. But we think with the two engineers, the one in the current vacancies, the one being requested in the budget and with the extra sanitarian, that will dramatically cut it from the six •• I don't believe it's 9 to 12 months, but it certainly is around six months; it will dramatically at least cut that in half, probably more; with the addition of another engineer, we probably could get back even further.

LEG. KENNEDY:

Thank you.

ACTING CHAIR LOSQUADRO:

Thank you. And I just want to say, I did recently receive a copy of a letter that did say, "We're sorry, but you're going to have to wait eight to nine months." So that's what the department is currently telling applicants, so.

MR. MINEI:

Okay. It's at least six months, which is totally unacceptable in any event.

ACTING CHAIR LOSQUADRO:

Just to let you know. You know, I understand the concern about going out, you know, you have underground fuel tanks, as you said, but this also applies to a situation with a stand•by generator. And I don't want to get too specific, I don't want to talk about individual applicants here, but one in particular causes me •• and I've received a number of complaints on this, but one in particular causes me great concern because it happens to be a fire department. They applied for this well before hurricane season wanting to have the capacity for a stand•by generator and to no avail. They are now almost through the end of the hurricane season and thank God we have not been hit, but had we, because of internal bureaucracy, because one public agency could not work with another public agency in a timely manner, they would have been without power had we suffered an outage.

So I'm glad to hear it's on your radar screen, but this is something that really needs to be addressed quickly because I'm sure there are many examples that we're not aware of, these are just some that have been brought to our attention.

MR. MINEI:

And I appreciate that, too. What I would suggest is unfortunately when an application comes to us from Farmingville, we cannot tell on the face of it that it comes from a fire department or from a school district or from a commercial building. What I've asked in the past, or even from our own Public Works Department, what I've asked is for people to either contact me through the Commissioner's Office and we can work on a reasonable list of priorities, but that tends to get out of hand as well as the categories for prioritizing changes.

ACTING CHAIR LOSQUADRO:

Of course.

MR. MINEI:

We certainly try to do it with school districts during the summer months, because they have a very short window of construction, we will gladly do it for any other emergency needs. My only concern is sometimes those criteria and the categories tend to expand quicker than we can address it.

ACTING CHAIR LOSQUADRO:

Okay. Thank you.

LEG. FOLEY:

Mr. Chairman, I have a question on a different matter.

ACTING CHAIR LOSQUADRO:

Would you like to address the Commissioner?

LEG. FOLEY:

Yeah, please.

ACTING CHAIR LOSQUADRO:

Legislator Foley?

LEG. FOLEY:

Thank you, and also Dr. Graham. It's that time of year where many of our constituents, and I had spoken with Dr. Graham about this prior to today so he would have some time to look into this. As we know, there was a grave problem last fall when it came to the dispensing of flu shots through the department and there was a complete breakdown at the national level, vis•a •vis the Federal government and the manufacturers of the vaccines.

So through the Chair, if we could hear from the department. I know the hour is late but this is very important because we're starting to get calls from our senior constituencies. Where are things at? What kind of schedule are we putting together? And similar to what Legislator O'Leary mentioned earlier in a different vein, if there are road blocks somewhere, where can we, in our own way, if need be, speak to our Federal counterparts to try to get some things moving through the CDS. So where does it stand as far as the flu shot program?

COMMISSIONER HARPER:

Right. If I can share with you, we're hoping that this year will not be similar to the problems that we had last year. To date we have had no indication that there will be any specific flu shortage, any specific flu shortage, so in effect, we've requested 10,000 additional doses more than what we requested last year for a total of 30,000 doses •• and again, correct me if I'm wrong, Dr. Graham •• for this year's program because of the heightened awareness that the

community has about the need for flue vaccine. We think that we're prepared, if we receive those doses, to be able to go forth and provide a program without any major problems as we did last year.

LEG. FOLEY:

As a follow•up, Mr. Chairman, as you can tell, the committee listens very carefully to the words that are chosen by yourself and Dr. Graham. I understand your meaning as much as the fact that you have not yet received this shipment, so what correspondence have we heard from the manufacturers or from the CDC as to when you're going to receive this shipment; is there any explicit confirmation that you're going to get the whole amount that you requested? Fill us in, will you, so we know where things are.

COMMISSIONER HARPER:

Do you have the specifics, Dr. Graham?

LEG. FOLEY:

And I know it's not •• the questions are easy, I know the answers can be difficult, we understand that.

ACTING CHAIR LOSQUADRO:

And if I may, Legislator Foley, before you answer.

LEG. FOLEY:

Yeah.

ACTING CHAIR LOSQUADRO:

I know Legislator Foley alluded to a breakdown. I know there are circumstances that are beyond anyone's control, such as last year a contamination of a good portion of the supply was not the fault of our Federal government, it was not the fault of local government, a situation occurred and I believe that everyone at every level of government, from the Fed on down, handled the situation •• a bad situation as best as we possibly could. Everyone in your department was very professional in trying to prioritize those who did need it, with the short supply that we did have.

So I know there are very few guarantees in this life, but if you could address Legislator Foley's

question as to what status we have received of those shipments, or is there any indication that there may be a lack of them?

CHIEF DEPUTY COMMISSIONER GRAHAM:

It's now up to the two pharmaceutical companies that have been approved by the Food and Drug Administration here in this country on when they will distribute those vaccines; At this time there's indication that they will be delayed or not forthcoming. However, that doesn't mean that they will be coming in a timely fashion for the very important purpose for which you're alluding to of vaccinating very vulnerable, sick patients and the elderly, etcetera, that we strongly support, obviously; it's one of the most important public health roles that we play.

The fact that there are only two approved at this date is troubling. Historically, I recall very clearly when there were over a half of dozen approved manufacturers of the vaccine. In fact, in a letter that we sent out a few years ago in previous •• to a previous director at the Centers for Disease Control made clear our concern about the rapid decline in the number of approved manufacturers and their distribution of the vaccine. When we recognized it was dropping from five to four to three and then finally last year when it was two. And unfortunately, as the gentleman stated, one of those two last year were unable and were not approved for the vaccine here in this country and that became a very significant supply problem of 50% of the vaccine. We were actually the only County in New York State where we received a significant portion of the vaccine that we ordered because we ordered from both of them, and that was not a •• that was not something that would ordinarily be done at the local health unit. So we expended more monies, we had a plan for that possible contingency because we saw the trend developing over the previous five to six years.

ACTING CHAIR LOSQUADRO:

Now, has that trend been ••

CHIEF DEPUTY COMMISSIONER GRAHAM:

That trend has not been corrected.

ACTING CHAIR LOSQUADRO:

It's my understanding from last year, I have a large number of senior communities in my district, so I did a little looking into it. Isn't that trend in large part because many of the drug

manufacturers have, for economic reasons, not wanted to manufacture it? Not that there are so few approved, the number that have been willing to manufacture these products has just steadily declined and now it becomes an economy of scale based on volume for those that still are willing to produce it; is that correct?

CHIEF DEPUTY COMMISSIONER GRAHAM:

That's one very important reason. There are many reasons why they have disincentives for not producing a one-time vaccine that is offered to the population each and every year. This is not a medication that is taken daily for a very long time for chronically ill people, so there obviously are many disincentives why the private sector would not produce vaccines, you mentioned one very important one.

ACTING CHAIR LOSQUADRO:

Thank you. And I thank you for coming down and answering a whole host of questions obviously. Legislator Kennedy I believe has a question for Ms. DeMarzo?

LEG. KENNEDY:

Yes, for the Commissioner, if I can, just a quick request.

ACTING CHAIR LOSQUADRO:

Thank you, gentlemen. And if Commissioner DeMarzo could please come forward, we'll try to keep this brief.

COMMISSIONER DEMARZO:

Good afternoon.

LEG. KENNEDY:

Good afternoon. Hi. How are you?

COMMISSIONER DEMARZO:

Good.

LEG. KENNEDY:

Thank you for coming up. Recently I just had occasion to send you some correspondence about

a homeless shelter, a tentative siting of a homeless shelter in the eastern part of my district; I was just curious whether or not you might have had any information on that or had the opportunity to go ahead and look into it.

COMMISSIONER DEMARZO:

I have some information. The shelter is operational for about two months, I believe, I can get the exact date. I have looked into your specific concerns, I wanted to speak to you about them. We are dealing with •• in fact, I was just looking at the stats. Over the last five years our homeless population of single adults went from 45 in January of 2000 to now we're housing about 300 single adults each night. So there are more facilities that are housing homeless singles, but I know that you have specific concerns and I'd be more than willing to sit with you and talk about the concerns about that shelter.

LEG. KENNEDY:

I hope so, because I had occasion recently to speak to a group of shelter providers, too, and they shared with me I guess some things that seem somewhat troubling, particularly as far as the department's directives to go ahead and establish sites and then subsequently close sites and then perhaps maybe reestablish sites. To me it seems like, you know, once again we're looking at something where from our perspective, I wonder about whether or not we have a plan in place to actively try to go ahead and address the issue on a macro level, or are we just responding kind of in crisis fashion, with the vagaries of what goes on.

COMMISSIONER DEMARZO:

Actually, I try constantly to come up with a vision for dealing with homelessness and I combat siting issues, NIMBYism, you know, local political divisions, other levels of government concern. I would welcome anyone helping us site additional facilities, it is one of the most difficult aspects of caring for the people in need through the Social Services Department.

LEG. KENNEDY:

Okay. I'll talk to you personally about the specifics on this. Thank you, Commissioner.

Sense Resolutions

ACTING CHAIR LOSQUADRO:

Thank you. The Last item on the agenda, ***Sense 62•2005***, if we could just ask those couple of members to step back in, ***Sense of the legislature Resolution requesting New York State to enact a requirement that CPR be taught in all high schools (Carpenter)***. I know for me it was taught in middle school and high school, I would hope other schools do the same. I'll make a motion to approve.

LEG. O'LEARY:

Second.

ACTING CHAIR LOSQUADRO:

Seconded by Legislator O'Leary, cosponsor by I think the entire •• all members present would like to cosponsor that resolution. All those in favor? Opposed? ***Sense 62 is approved (VOTE: 5•0•0•2 Not Present: Legislators Tonna & Binder)***.

No further business before us, this meeting stands adjourned.

(*The meeting was adjourned at 1:55 P.M.*)

***Legislator Paul Tonna, Chairman
Health & Human Services Committee***

_ _ • ***Denotes Spelled Phonetically***